



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application Of:
David L. Morris

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Serial No. 09/943,189

Group Art Unit: 2856

Filed: August 30, 2001

Attorney Docket No. P-7764.006

For: Heater Tube

Declaration

1. I, Charles W. Hanor, am the attorney of record for the above identified patent application.
2. I have been a member of the state bar of Texas since 1975 and have been admitted to practice before the United States Patent and Trademark Office since 1975.
3. I have represented Mr. David Morris and Standard Heater Tube, Inc. since May of 2000 as their patent attorney.
4. From January 1992 through December 31, 2001 I was a partner in the law firm of Akin, Gump, Strauss, Hauer and Feld, LLP. in the San Antonio, Texas office.
5. Prior to April of 2000 Mr. David Morris and his company Standard Heater Tube, Inc. were sued by Petroleum Analyzer Company, LP., Cause No. 2000 CI-01400 in the 288th District Court in Bexar County, Texas.
6. In the suit Petroleum Analyzer Company, LP claimed that Mr. Morris had misappropriated the secret invention identified in the above identified patent application and that Petroleum Analyzer Company, Inc. owned the invention.
7. The facts regarding the conception and reduction to practice of Mr. Morris' invention are found in the declaration of Mr. Morris.

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8. The attorney and law firm representing Petroleum Analyzer Company, LP in the suit was Ms. Katherine J. Walters of the firm of Richie & Gueringer, P.C. from Austin, Texas.

9. The suit was finally settled in July of 2000 and shortly thereafter Mr. Morris continued actively marketing his invention identified in the above identified patent application.

10. In the settlement of the suit, Petroleum Analyzer Company, LP gave up its claims to Mr. Morris' invention disclosed in the above identified patent application.

11. A provisional patent application for the above identified patent application, serial No. 60/229,624, was filed by Mr. Morris on August 31, 2000.

12. I continued representing Mr. Morris after the suit was settled in 2000 and he continued marketing his invention disclosed in the above identified application in competition with Petroleum Analyzer Company, Inc.

13. On January 1, 2002 I changed positions and joined a professional corporation that was known as Gunn, Lee & Hanor, P.C.

14. The sole shareholders in Gunn, Lee Hanor, P. C. were myself and Mr. Ted D. Lee.

15. I continued representing Mr. Morris and Standard Heater Tube, Inc. while at Gunn, Lee & Hanor, P.C.

16. Mr. Lee was aware of my representation of Mr. Morris and Standard Heater Tube, Inc. while at Gunn, Lee & Hanor, P.C.

17. In February of 2003 a split between myself and Mr. Lee was initiated and pursuant to an arbitration agreement, proceedings were began with the American Arbitration Association in about March of 2003.

18. In about June or July of 2003, Petroleum Analyzer Company, LP apparently contacted Mr. Ted D. Lee for the first time about the above identified patent application that was published in about July of 2002.

19. In July of 2003 Mr. Lee asserted in the arbitration for the first time that the representation of Mr. Morris and Standard Heater Tube, Inc. by Mr. Hanor was a conflict and requested that Mr. Hanor be disqualified from representing Mr. Morris and Standard Heater Tube, Inc. in the future.

20. Part of the basis for the claim of qualification asserted in the arbitration to split up Gunn, Lee & Hanor, P.C. was the correspondence that Mr. Lee claims to have prepared in 2000 for Petroleum Analyzer Company, Inc. which Mr. Lee disclosed to the arbitrator and me during the arbitration.

21. Applicant disputes the assertions contained in Mr. Lee's correspondence and the examiner's assumptions about the correspondence are not correct.

22. The subject correspondence of Mr. Lee does not contain any admissions of Mr. Morris and are solely the assertions of Mr. Lee to apparently solicit representation of Petroleum Analyzer Company, LP in the suit.

23. Mr. Lee has never performed any legal work for Mr. Morris and Standard Heater Tube, Inc.

24. Petroleum Analyzer Company, LP apparently did not retain Mr. Ted D. Lee in 2000 as its attorney in the suit against Mr. Morris and Standard Heater Tube, Inc.

25. In August of 2003, the arbitrator denied Mr. Lee's request to disqualify me from representing Mr. Morris and his company, Standard Heater Tube, Inc. as part of the arbitrator's decision in splitting up the assets of Gunn, Lee & Hanor, P.C. after a four day contested hearing.

26. All disputes between Mr. Morris and his company, Standard Heater Tube, Inc. and Petroleum Analyzer Company, Inc. over the ownership of his invention had been finally settled and the suit filed by Petroleum Analyzer Company LP was dismissed with prejudice in 2000.

27. On September 20, 2003 I split all ties with Mr. Lee and opened my new law office under the name Charles W. Hanor, P.C. and continued to represent Mr. Morris and his company, Standard Heater Tube, Inc.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 23, 2004



Charles W. Hanor